

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 2:13-cr-00012-MR-DLH-1**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JACKIE LEE RATTLER,

Defendant.

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ORDER

THIS MATTER is before the Court on the Defendant's letter, which the Court construes as a motion requesting a copy of various court filings, including the Defendant's Presentence Report [Doc. 278].

The Defendant was sentenced to a term of 108 months' imprisonment on December 16, 2014. [Doc. 204]. The Fourth Circuit affirmed his conviction and sentence on February 29, 2016. [Doc. 252]. The Defendant subsequently filed a motion to vacate pursuant to 28 U.S.C. § 2255. [Doc. 262]. This Court dismissed the Defendant's motion to vacate and denied a certificate of appealability on September 23, 2016. [Doc. 274]. The Defendant has appealed the denial of his motion to vacate. [Doc. 279].

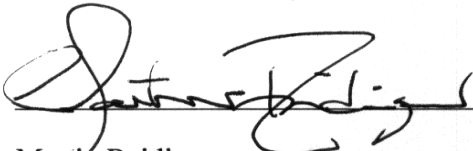
In his letter, the Defendant appears to seek copies of the following documents at the Government's expense: (1) Acceptance of Guilty Plea; (2)

Presentence Report; (3) Objections to Presentence Report; (4) Supplement to Presentence Report; and (5) Sealed Sentencing Memorandum. As a certificate of appealability was denied, the Court lacks jurisdiction to grant the Defendant's request. See Ray v. United States, No. 5:06-cr-12-BO, 5:09-cv-2-BO, 2010 WL 2813379, at *1 (E.D.N.C. July 16, 2010). In any event, however, the Defendant has failed to demonstrate a particularized need for his Presentence Report and the related filings. See United States v. Velasquez, No. 5:10-CR-00042, 2012 WL 3307264, at *1 (W.D.N.C. Aug. 13, 2012) (Voorhees, J.) (holding that a copy of presentence report may be obtained from the district court only upon a showing of particularized need) (citing United States v. Williams, No. 88-7340, 1989 WL 152422, at *2 (4th Cir. Dec. 11, 1989)). For all of these reasons, the Defendant's motion must be denied.

IT IS, THEREFORE, ORDERED that the Defendant's letter [Doc. 278], which the Court construes as a motion, is **DENIED**.

IT IS SO ORDERED.

Signed: December 15, 2016


Martin Reidinger
United States District Judge

